IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MERCK & CO., INC., Plaintiff and Counterclaim Defendant, v. RANBAXY INC., and RANBAXY LABORATORIES LIMITED, Defendants and Counterclaim Plaintiffs.	)	C.A. No. 07-229 (GMS)

PARTIES' JOINT CLAIM CONSTRUCTION CHART

Pursuant to the Court's Scheduling Order, attached hereto as Exhibit A is the parties' Joint Claim Construction Chart for U.S. Patent No. 5,147,868.

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EXHIBIT A

MERCK & CO., INC. v. RANBAXY INC. AND RANBAXY LABS. INC.
CIVIL ACTION NO. 07-229 (GMS) (D. DEL.)

JOINT CLAIM CONSTRUCTION CHART

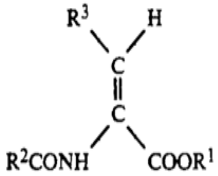
Agreed Construction[1]

Claim Limitation	Claim at Issue	Construction
witho	22	With

Asserted claims: 1, 2, 9, 19, 20, 22, 23, 24

U.S. Patent No. 5,147,868 Claim Limitation	Claims at Issue	MERCK		RANBAXY	
		CONSTRUCTION	INTRINSIC EVIDENCE	CONSTRUCTION	INTRINSIC EVIDENCE
"A compound"	1, 9	"A substance composed of atoms or ions of two or more elements in chemical combination."	'868 patent, Abstract, col. 1, lns. 20-43; col. 5, ln. 20 - col. 10, ln. 46; col. 19, lns. 35-67; col. 20, ln. 35 - col. 21, ln. 43; col. 38, ln. 9 - col. 40, ln. 40 (Claims 1-24); U.S. Appl. Ser. No.	"A compound" excludes a combination product containing the compound and a thienamycin-type compound.	'868 patent, 8:43-51 and applications/patents cited therein and stemming therefrom; '868 patent, 5:20-9:45.

[1] The parties jointly and respectfully submit that, if the Court deems it appropriate, the Court include the agreed-upon claim construction in its Claim Construction Order, or in the alternative, that this agreed upon construction is a binding stipulation between the parties.

U.S. Patent No. 5,147,868 Claim Limitation	Claims at Issue	MERCK		RANBAXY	
		CONSTRUCTION	INTRINSIC EVIDENCE	CONSTRUCTION	INTRINSIC EVIDENCE
			06/748,300 (6/5/86 Communication to the Examiner under 37 C.F.R. §1.56 enclosing Abstract and accompanying information from the ICAAC, Sept. 22-24, 1980).		
	1	This formula needs no construction. The formula defines the structure illustrated, which shows the Z-stereoconfiguration.	'868 Patent, col. 1, ln. 45 - col. 5, ln. 11; A. Srinavasan et al. *Tetrahedron Lett.*, 891 (1976).	The formula includes racemates, mixtures, isomers, and enantiomers of the free acid form and salt forms of the compound, with the exception of the E-stereoisomer form.	'868 patent, 2:18-5:10, Table I, cols. 11-20 and Examples 1-23, Claims 1, 9, 19 and 20; Application Ser. No. 06/465,577: Office Action dated February 24, 1984; Response under 37 C.F.R. §1.111 dated July 7, 1984; Office Action dated December 4, 1984; Application Ser. No. 06/748,300, Office Action of February 24, 1985, Amendment dated May 15, 1986,

U.S. Patent No. 5,147,868 Claim Limitation	Claims at Issue	MERCK		RANBAXY	
		CONSTRUCTION	INTRINSIC EVIDENCE	CONSTRUCTION	INTRINSIC EVIDENCE
					Communication to the Examiner under 37 C.F.R. §1.56, dated June 5, 1986; Ashton, *et al.* Abstract no. 271 and "poster session," (ICAAC) Sept. 22-24, 1980; Application Ser. No. 06/878,391: Office Action dated Nov. 6, 1986; Amendment under 37 C.F.R. §1.116 received April 6, 1987; J. E. Blackwood et al., *J. Am. Chem. Soc.*, 90, p. 509 (1968); A. Srinavasan et al. *Tetrahedron Lett.*, 891 (1976).
pharmaceutically acceptable cation	1, 9	This term means "a cation acceptable for pharmaceutical use in connection with the claimed compounds."	'868 patent, col. 5, lns. 12-18; col. 34, lns. 10-68; col. col. 38, lns. 9-66 (Claim 1); col. 39, lns. 18-36 (Claim 9);	Any cation useful in the salt form of the claimed pharmaceutical compound.	not defined (*cf.* '868 patent, 1:60-5:19, cols. 11-20 (Table 1).

U.S. Patent No. 5,147,868 Claim Limitation	Claims at Issue	MERCK		RANBAXY	
		CONSTRUCTION	INTRINSIC EVIDENCE	CONSTRUCTION	INTRINSIC EVIDENCE
			U.S. Appl. Ser. No. 06/188,178 (9/17/80 Application).		
R1 is hydrogen or a pharmaceutically acceptable cation;	1	This phrase as a whole needs no construction. The phrase "R1 is hydrogen" needs no claim construction. The term "pharmaceutically acceptable cation" is defined by the parties above.	'868 patent, col. 1, ln. 45 - col. 2, ln. 45; col. 5, lns. 12-18; col. 38, lns. 10-66 (Claim 1).	R1 defines two mutually exclusive subgenera: (1) a free acid form in which R1 is hydrogen, and (2) salt forms in which R1 is a pharmaceutically acceptable cation.	'868 patent 1:60-5:6, 5:11-19; 2:18-5:10, Table I, cols. 11-20 and Examples 1-23, Claims 1, 9, 19 and 20.
X	1	"X" needs no construction. The claim defines "X" to mean: "unsubstituted or substituted branched or linear alkyl of three to ten carbon atoms	'868 patent, col. 1, ln. 45 - col. 5, ln. 10; col. 10, ln. 45 - col. 38, ln. 8; col. 38, lns. 9-66 (Claim 1).	X includes at least: a branched or linear alkyl group of four carbons substituted with a cycloalkyl group of six carbons (*i.e.*, a cyclohexyl group),	not defined (*cf.*. '868 patent, 1:60-5:19, cols. 11-20 (Table 1) and Examples 1-23). Application Ser. No. 06/878,391: Office Action dated Nov. 6, 1986; Amendment

U.S. Patent No. 5,147,868 Claim Limitation	Claims at Issue	MERCK		RANBAXY	
		CONSTRUCTION	INTRINSIC EVIDENCE	CONSTRUCTION	INTRINSIC EVIDENCE
		wherein a non-terminal methylene can be replaced by oxygen, sulfur or SO2, where said substituents are selected from the group consisting of halogen or cycloalkyl of three to six carbon atoms, with the proviso that, when said alkyl is substituted by said cycloalkyl, X is not more than ten total carbon atoms, with the further proviso that not more than six hydrogens of said alkyl can be substituted by said halogen, and with the further proviso that the carbon adjacent to the carbonyl cannot be tertiary;"		a branched or linear alkyl group of five carbons substituted with a cycloalkyl group of five carbons (*i.e.*, a cyclopentyl group), a branched or linear alkyl group of six carbons substituted with a cycloalkyl group of four carbons (*i.e.*, a cyclobutyl group), and a branched or linear alkyl group of seven carbons substituted with a cycloalkyl group of three carbons (*i.e.*, a cyclopropyl group).	under 37 C.F.R. §1. 116 received April 6, 1987; Office Action dated July 24, 1987; Amendment under 37 C.F.R. §1.116 dated Oct. 30, 1987; Office Action dated February 7, 1988; Amendment under 37 C.F.R. §1.116 dated May 24, 1988; Application Ser. No. 07/244,527: Preliminary Amendment dated January 23, 1989; Office Action dated March 14, 1990; Amendment dated August 6, 1980; Office Action dated October 12, 1990; Application Ser. No. 07/641,317: Preliminary Amendment dated Jan. 14, 1991; Office Action dated March 20, 1991; Amendment and

U.S. Patent No. 5,147,868 Claim Limitation	Claims at Issue	MERCK		RANBAXY	
		CONSTRUCTION	INTRINSIC EVIDENCE	CONSTRUCTION	INTRINSIC EVIDENCE
					Response dated September 23, 1981; Office Action dated December 9, 1991; Application Ser. No. 07/839,725: Preliminary Amendment and Response dated Feb. 19, 1992; Examiner Interview Summary dated March 30, 1992; Notice of Allowability dated March 30, 1992.
Y	1	"Y" needs no construction. The claim defnes "Y" to mean: "cycloalkyl of three to six carbon atoms, unsubstituted or substituted with one or two substituents where said substituents are selected from the group consisting of halogen or	'868 patent, col. 1, ln. 45 - col. 5, ln. 10; col. 10, ln. 45 - col. 38, ln. 8; col. 38, lns. 9-66 (Claim 1).	Y includes at least: cyclopropyl, cyclobutyl, cyclopentyl, and cyclohexyl, unsubstituted or substituted with one or two substituents including alkyl of one to four carbon atoms, provided that the total number of carbon atoms in substituted Y is not	not defined (*cf.* '868 patent, 1:60-5:19, cols. 11-20 (Table 1) and Examples 1-23). Application Ser. No. 06/878,391: Office Action dated Nov. 6, 1986; Amendment under 37 C.F.R. §1. 116 received April 6, 1987; Office Action dated July 24, 1987; Amendment

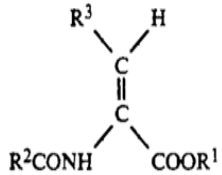
U.S. Patent No. 5,147,868 Claim Limitation	Claims at Issue	MERCK		RANBAXY	
		CONSTRUCTION	INTRINSIC EVIDENCE	CONSTRUCTION	INTRINSIC EVIDENCE
		alkyl of one to four carbon atoms, with the proviso that, when said cycloalkyl is substituted by said alkyl, Y is not more than ten total carbon atoms;"		more than ten carbon atoms.	under 37 C.F.R. §1.116 dated Oct. 30, 1987; Office Action dated February 7, 1988; Amendment under 37 C.F.R. §1.116 dated May 24, 1988; Application Ser. No. 07/244,527: Preliminary Amendment dated January 23, 1989; Office Action dated March 14, 1990; Amendment dated August 6, 1980; Office Action dated October 12, 1990; Application Ser. No. 07/641,317: Preliminary Amendment dated Jan. 14, 1991; Office Action dated March 20, 1991; Amendment and Response dated September 23, 1981; Office Action dated December 9, 1991;

U.S. Patent No. 5,147,868 Claim Limitation	Claims at Issue	MERCK		RANBAXY	
		CONSTRUCTION	INTRINSIC EVIDENCE	CONSTRUCTION	INTRINSIC EVIDENCE
					Application Ser. No. 07/839,725: Preliminary Amendment and Response dated Feb. 19, 1992; Examiner Interview Summary dated March 30, 1992; Notice of Allowability dated March 30, 1992.
trialkylammonium, quaternary hydroxyalkyl-dialkylammonium, phosphonylalkyl-amino, hydroxyalkylami-no, alkylamidino, N,N-dialkyguanidino,	1	The term "alkyl" means "a paraffinic hydrocarbon group which may be derived from an alkane by dropping one hydrogen from the formula." The term "alkyl" used as part of a larger chemical group or moiety has the meaning understood by persons of ordinary skill in the art in the context of that larger chemical group or moiety.	'868 patent, col. 1, ln. 45 - col. 5, ln. 10; col. 21, ln. 44 - col. 23, ln. 23; col. 31, ln. 37 - col. 38, ln. 8; col. 38, lns. 9-66 (Claim 1).	Each alkyl group in each substituent includes a linear, branched, or cyclic alkyl group without limitation as to number of carbon atoms.	not defined (*cf.* '868 patent, 1:60-5:6, cols. 11-20 (Table 1), and Examples 1-23); Claims 1, 9, 22). Application Ser. No. 06/878,391: Office Action dated Nov. 6, 1986; Amendment under 37 C.F.R. §1. 116 received April 6, 1987; Office Action dated July 24, 1987; Amendment under 37 C.F.R. §1.116 dated Oct. 30, 1987; Office Action dated

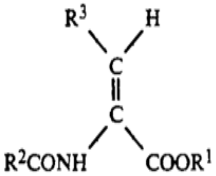
U.S. Patent No. 5,147,868 Claim Limitation	Claims at Issue	MERCK		RANBAXY	
		CONSTRUCTION	INTRINSIC EVIDENCE	CONSTRUCTION	INTRINSIC EVIDENCE
alkylcarbonyloxy, alkoxycarbonyl, N,N-dialkylcarbamoyl					February 7, 1988; Amendment under 37 C.F.R. §1.116 dated May 24, 1988; Application Ser. No. 07/244,527: Preliminary Amendment dated January 23, 1989; Office Action dated March 14, 1990; Amendment dated August 6, 1980; Office Action dated October 12, 1990; Application Ser. No. 07/641,317: Preliminary Amendment dated Jan. 14, 1991; Office Action dated March 20, 1991; Amendment and Response dated September 23, 1981; Office Action dated December 9, 1991; Application Ser. No. 07/839,725: Preliminary

U.S. Patent No. 5,147,868 Claim Limitation	Claims at Issue	MERCK		RANBAXY	
		CONSTRUCTION	INTRINSIC EVIDENCE	CONSTRUCTION	INTRINSIC EVIDENCE
					Amendment and Response dated Feb. 19, 1992; Examiner Interview Summary dated March 30, 1992; Notice of Allowability dated March 30, 1992.
said one to fifteen carbon alkyl	1	"said two to fifteen carbon alkyl" (typographical error)	'868 Patent, col. 38, lns. 9-66 (Claim 1); U.S. Appl. Ser. No. 07/244,527 (3/14/90 Office Action; 8/8/90 Amendment; 10/12/90 Office Action); U.S. Appl. Ser. No. 07/641,317 (1/14/91 Application; 1/14/91 Preliminary Amendment; 3/20/91 Office Action; 9/23/91 Amendment and Response; 12/9/91 Office Action; 1/28/92 Examiner Interview Summary Record); U.S. Appl. Ser. No.	said one to fifteen carbon alkyl	'868 patent, 1:55-61; 2: 11-17; 2:47-4:34; Table I, cols 11-20, compounds 2a, 2b, 2c, 3-11, 18-32, 34-38, 40, 42-44; Examples 2, 3, 4, 5, 6, 8, 9, 10, 16; Claim 1. Application Ser. No. 06/878,391: Office Action dated Nov. 6, 1986; Amendment under 37 C.F.R. §1. 116 received April 6, 1987; Office Action dated July 24, 1987; Amendment under 37 C.F.R. §1.116 dated Oct. 30, 1987; Office Action dated February 7, 1988;

U.S. Patent No. 5,147,868 Claim Limitation	Claims at Issue	MERCK		RANBAXY	
		CONSTRUCTION	INTRINSIC EVIDENCE	CONSTRUCTION	INTRINSIC EVIDENCE
			07/839,725 (2/19/92 Application; 2/19/92 Preliminary Amendment and Response; 3/26/92 Examiner Interview Summary Record; 3/30/92 Notice of Allowability).		Amendment under 37 C.F.R. §1.116 dated May 24, 1988; Application Ser. No. 07/244,527: Preliminary Amendment dated January 23, 1989; Office Action dated March 14, 1990; Amendment dated August 6, 1980; Office Action dated October 12, 1990; Application Ser. No. 07/641,317: Preliminary Amendment dated Jan. 14, 1991; Office Action dated March 20, 1991; Amendment and Response dated September 23, 1981; Office Action dated December 9, 1991; Application Ser. No. 07/839,725: Preliminary Amendment and

U.S. Patent No. 5,147,868 Claim Limitation	Claims at Issue	MERCK		RANBAXY	
		CONSTRUCTION	INTRINSIC EVIDENCE	CONSTRUCTION	INTRINSIC EVIDENCE
					Response dated Feb. 19, 1992; Examiner Interview Summary dated March 30, 1992; Notice of Allowability dated March 30, 1992.
the compound of the structural formula given above has the Z stereoconfiguration	1	 The picture shows the Z configuration of the compound.	'868 Patent, col. 1, ln. 45 - col. 5, ln. 11; A. Srinavasan et al. *Tetrahedron Lett.*, 891 (1976); J. E. Blackwood et al., *J. Am. Chem. Soc.*, 90, p. 509 (1968).	The Z stereoconfiguration is defined according to the system described in J. E. Blackwood et al., *J. Am. Chem. Soc.*, 90, p. 509 (1968).	'868 patent, 2:18-5:10, Table I, cols. 11-20 and Examples 1-23, Claims 1, 9, 19 and 20; Application Ser. No. 06/465,577: Office Action dated February 24, 1984; Response under 37 C.F.R. §1.111 dated July 7, 1984; Office Action dated December 4, 1984; Application Ser. No. 06/748,300, Office Action of February 24, 1985, Amendment dated May 15, 1986, Communication to the Examiner under 37

U.S. Patent No. 5,147,868 Claim Limitation	Claims at Issue	MERCK		RANBAXY	
		CONSTRUCTION	INTRINSIC EVIDENCE	CONSTRUCTION	INTRINSIC EVIDENCE
					C.F.R. §1.56, dated June 5, 1986; Ashton, *et al.* Abstract no. 271 and "poster session," (ICAAC) Sept. 22-24, 1980; Application Ser. No. 06/878,391: Office Action dated Nov. 6, 1986; Amendment under 37 C.F.R. §1. 116 received April 6, 1987; J. E. Blackwood et al., *J. Am. Chem. Soc.*, 90, p. 509 (1968); A. Srinavasan et al. *Tetrahedron Lett.*, 891 (1976).
2,2-dimethylcyclo-propyl	2, 9, 19, 20	This term needs no construction. The term means "2,2-dimethylcyclopropyl."	'868 patent, col. 38, lns. 67-68 (Claim 2); col. 39, lns. 18-35 (Claim 9); col. 40, lns. 21-23 (Claim 19).	S-2-(2,2-dimethylcyclopropyl) enantiomer, R-2-(2,2-dimethylcyclopropyl) enantiomer, and mixtures thereof.	'868 patent, 2:18-5:10, Table I, cols. 11-20, Examples 1-23; Application Ser. No. 06/748,300, Office Action of February 24, 1985, Amendment dated

U.S. Patent No. 5,147,868 Claim Limitation	Claims at Issue	MERCK		RANBAXY	
		CONSTRUCTION	INTRINSIC EVIDENCE	CONSTRUCTION	INTRINSIC EVIDENCE
					May 15, 1986, Communication to the Examiner under 37 C.F.R. §1.56, dated June 5, 1986; Ashton, *et al.* Abstract no. 271 and "poster session, " (ICAAC) Sept. 22-24, 1980; J. E. Blackwood et al., *J. Am. Chem. Soc.*, 90, p. 509 (1968); A. Srinavasan et al. *Tetrahedron Lett.*, 891 (1976).
	9	This formula needs no construction. The formula defines the structure illustrated, which shows the Z-stereoconfiguration.	'868 Patent, col. 1, ln. 45 - col. 5, ln. 11; col. 38, lns. 10-66 (Claim 1); col. 39, lns. 18-36 (Claim 9); A. Srinavasan et al. *Tetrahedron Lett.*, 891 (1976).	The formula includes racemates, mixtures, isomers, and enantiomers of the free acid form, salt forms, and ester forms of the compound, including the Z-stereoisomer form and the E-stereoisomer form.	'868 patent, 2:18-5:10, Table I, cols. 11-20 and Examples 1-23, Claims 1, 9, 19 and 20; Application Ser. No. 06/465,577: Office Action dated February 24, 1984; Response under 37 C.F.R. §1.111 dated July 7, 1984; Office Action dated December 4, 1984;

U.S. Patent No. 5,147,868 Claim Limitation	Claims at Issue	MERCK		RANBAXY	
		CONSTRUCTION	INTRINSIC EVIDENCE	CONSTRUCTION	INTRINSIC EVIDENCE
					Application Ser. No. 06/748,300, Office Action of February 24, 1985, Amendment dated May 15, 1986, Communication to the Examiner under 37 C.F.R. §1.56, dated June 5, 1986; Ashton, *et al.* Abstract no. 271 and "poster session," (ICAAC) Sept. 22-24, 1980; Application Ser. No. 06/878,391: Office Action dated Nov. 6, 1986; Amendment under 37 C.F.R. §1. 116 received April 6, 1987; J. E. Blackwood et al., *J. Am. Chem. Soc.*, 90, p. 509 (1968); A. Srinavasan et al. *Tetrahedron Lett.*, 891 (1976).

U.S. Patent No. 5,147,868 **Claim Limitation**	**Claims at Issue**	**MERCK**		**RANBAXY**	
		CONSTRUCTION	**INTRINSIC EVIDENCE**	**CONSTRUCTION**	**INTRINSIC EVIDENCE**
R^1 is hydrogen, loweralkyl of 1-6 carbon atoms, dialkylaminoalkyl, or a pharmaceutically acceptable cation	9	This phrase as a whole needs no construction. The phrase "R1 is hydrogen" needs no claim construction. The term "loweralkyl of 1-6 carbon atoms" needs no construction. The term "dialkylaminoalkyl" is discussed by the parties below. The term "pharmaceutically acceptable cation" is defined by the parties above.	'868 patent, col. 1, ln. 45 - col. 2, ln. 45; col. 5, lns. 12-18; col. 39, lns. 18-36 (Claim 9).	R^1 defines three mutually exclusive subgenera: (1) a free acid form in which R^1 is hydrogen, (2) ester forms in which R^1 is loweralkyl of 1-6 carbon atoms, or dialkylaminoalkyl, and (3) salt forms in which R^1 is a pharmaceutically acceptable cation.	'868 patent 1:60-5:6, 5:11-19; 2:18-5:10, Table I, cols. 11-20 and Examples 1-23, Claims 1, 19 and 20. Application Ser. No. 06/878,391: Office Action dated Nov. 6, 1986; Amendment under 37 C.F.R. §1. 116 received April 6, 1987; Office Action dated July 24, 1987; Amendment under 37 C.F.R. §1.116 dated Oct. 30, 1987; Office Action dated February 7, 1988; Amendment under 37 C.F.R. §1.116 dated May 24, 1988; Application Ser. No. 07/244,527: Preliminary Amendment dated January 23, 1989; Office Action dated March 14, 1990; Amendment dated August 6, 1980; Office

U.S. Patent No. 5,147,868 Claim Limitation	Claims at Issue	MERCK		RANBAXY	
		CONSTRUCTION	INTRINSIC EVIDENCE	CONSTRUCTION	INTRINSIC EVIDENCE
					Action dated October 12, 1990; Application Ser. No. 07/641,317: Preliminary Amendment dated Jan. 14, 1991; Office Action dated March 20, 1991; Amendment and Response dated September 23, 1981; Office Action dated December 9, 1991; Application Ser. No. 07/839,725: Preliminary Amendment and Response dated Feb. 19, 1992; Examiner Interview Summary dated March 30, 1992; Notice of Allowability dated March 30, 1992.
dialkylaminoalkyl	9	The term "alkyl" means "A paraffinic	'868 patent, col. 1, ln. 45 - col. 5, ln. 10; col.	Each of the three alkyl groups includes a linear,	not defined (*cf.* '868 patent, 1:60-5:6, 1:11-

U.S. Patent No. 5,147,868 Claim Limitation	Claims at Issue	MERCK		RANBAXY	
		CONSTRUCTION	INTRINSIC EVIDENCE	CONSTRUCTION	INTRINSIC EVIDENCE
		hydrocarbon group which may be derived from an alkane by dropping one hydrogen from the formula." The term "alkyl" used as part of the term "dialkylaminoalkyl" has the meaning understood by persons of ordinary skill in the art in the context of a dialkylaminoalkyl.	10, ln. 45 - col. 38, ln. 8; col. 39, lns. 18-36 (Claim 9); col. 39, lns. 38-41 (claim 11).	branched, or cyclic alkyl group without limitation as to number of carbon atoms.	17, cols. 11-20 (Table 1), Claims 1, 9, 22). Application Ser. No. 06/878,391: Office Action dated Nov. 6, 1986; Amendment under 37 C.F.R. §1. 116 received April 6, 1987; Office Action dated July 24, 1987; Amendment under 37 C.F.R. §1.116 dated Oct. 30, 1987; Office Action dated February 7, 1988; Amendment under 37 C.F.R. §1.116 dated May 24, 1988; Application Ser. No. 07/244,527: Preliminary Amendment dated January 23, 1989; Office Action dated March 14, 1990; Amendment dated August 6, 1980; Office Action dated October 12, 1990;

U.S. Patent No. 5,147,868 Claim Limitation	Claims at Issue	MERCK		RANBAXY	
		CONSTRUCTION	INTRINSIC EVIDENCE	CONSTRUCTION	INTRINSIC EVIDENCE
					Application Ser. No. 07/641,317: Preliminary Amendment dated Jan. 14, 1991; Office Action dated March 20, 1991; Amendment and Response dated September 23, 1981; Office Action dated December 9, 1991; Application Ser. No. 07/839,725: Preliminary Amendment and Response dated Feb. 19, 1992; Examiner Interview Summary dated March 30, 1992; Notice of Allowability dated March 30, 1992.
7-(L-2-amino-2-carboxyethylthio)-2-(2,2-dimethylcyclo-propanecarbox-	19	This term means "the free acid, ester and salt forms of 7-(L-2-amino-2-carboxyethylthio)-2-(2,2-dimethylcyclo-	'868 Patent, col. 5, lns. 11-19; col. 8, ln. 42-col. 9, ln. 45; col. 10, lns. 25-44; col. 19, lns. 35-67; col. 20, ln. 35-col.	the free acid form of 7-(L-2-amino-2-carboxyethylthio)-2-(2,2-dimethylcyclo-propanecarboxamido)-2-	'868 patent 1:60-5:6, 5:11-19; 2:18-5:10, Table I, cols. 11-20 , Claims 1, 9, 19 and 20.

U.S. Patent No. 5,147,868 Claim Limitation	Claims at Issue	MERCK		RANBAXY	
		CONSTRUCTION	INTRINSIC EVIDENCE	CONSTRUCTION	INTRINSIC EVIDENCE
amido)-2-heptenoic acid		propanecarboxamido)-2-heptenoic acid."	23 ln. 23; col. 34, lns. 9-68; col. 38, lns. 9-66 (Claim 1); col. 39, lns. 19-35 (Claim 9); col. 40, lns. 21-25 (Claims 19-20).	heptenoic acid, excluding a pharmaceutically acceptable cation, the free acid form including the E-steriosomer form, the Z-stereoisomer form, the S-2-(2,2-dimethylcyclopropyl) enantiomer form, the R-2-(2,2-dimethylcyclo-propyl) enantiomer form, and mixtures thereof.	'868 patent, 2:18-5:10; Table I, cols. 11-20; Claims 1, 9, 19 and 20; Application Ser. No. 06/465,577: Office Action dated February 24, 1984; Response under 37 C.F.R. §1.111 dated July 7, 1984; Office Action dated December 4, 1984; Application Ser. No. 06/748,300, Office Action of February 24, 1985, Amendment dated May 15, 1986, Communication to the Examiner under 37 C.F.R. §1.56, dated June 5, 1986; Ashton, *et al.* Abstract no. 271 and "poster session,"

U.S. Patent No. 5,147,868 Claim Limitation	Claims at Issue	MERCK		RANBAXY	
		CONSTRUCTION	INTRINSIC EVIDENCE	CONSTRUCTION	INTRINSIC EVIDENCE
					(ICAAC) Sept. 22-24, 1980; Application Ser. No. 06/878,391: Office Action dated Nov. 6, 1986; Amendment under 37 C.F.R. §1. 116 received April 6, 1987; J. E. Blackwood et al., *J. Am. Chem. Soc.*, 90, p. 509 (1968); A. Srinavasan et al. *Tetrahedron Lett.*, 891 (1976).
the sodium, potassium calcium or magnesium salt form	20	This term needs no construction. This term means "the sodium, potassium, calcium, or magnesium salt form."	'868 Patent, col. 5, lns. 11-19; col. 8, ln. 42-col. 9, ln. 45; col. 10, lns. 25-44; col. 19, lns. 35-67; col. 20, ln. 35-col. 23 ln. 23; col. 34, lns. 9-68; col. 38, lns. 9-66 (Claim 1); col. 39, lns. 19-35 (Claim 9); col. 40, lns. 3-8 (Claims 13-14); col. 40, lns. 21-25 (Claims 19-20).	the sodium, potassium calcium or magnesium salt form, excluding the free acid form.	'868 patent 1:60-5:6, 5:11-19; 2:18-5:10, Table I, cols. 11-20, Claims 1, 9, 19 and 20.

U.S. Patent No. 5,147,868 Claim Limitation	Claims at Issue	MERCK		RANBAXY	
		CONSTRUCTION	INTRINSIC EVIDENCE	CONSTRUCTION	INTRINSIC EVIDENCE
R^2	22	"R^2" needs no construction. The claim defines "R^2" to mean: "cycloalkyl of three to six carbon atoms substituted by two alkyl substituents of one to three carbon atoms each, with the proviso that R^2 cannot contain more than ten carbon atoms."	'868 patent, col. 40, lns. 28-33 (Claim 22).	R^2 includes at least: cyclopropyl substituted by two substituents of one, two, or three carbon atoms each; cyclobutyl substituted by two substituents of one, two, or three carbon atoms each; cyclopentyl substituted by one substituent of one, two, or three carbon atoms and by one substituent of one or two carbon atoms; and cyclohexyl substituted by one substituent of one, two, or three carbon atoms and by one substituent of one carbon atom, or cyclohexyl substituted by one substituent of one or two carbon atoms and by one substituent	not defined (*cf.* '868 patent, 1:60-5:6, cols. 11-20 (Table I), Examples 1-23; Claims 1-22). Application Ser. No. 06/878,391: Office Action dated Nov. 6, 1986; Amendment under 37 C.F.R. §1. 116 received April 6, 1987; Office Action dated July 24, 1987; Amendment under 37 C.F.R. §1.116 dated Oct. 30, 1987; Office Action dated February 7, 1988; Amendment under 37 C.F.R. §1.116 dated May 24, 1988; Application Ser. No. 07/244,527: Preliminary Amendment dated January 23, 1989; Office Action dated March 14, 1990; Amendment dated

U.S. Patent No. 5,147,868 Claim Limitation	Claims at Issue	MERCK		RANBAXY	
		CONSTRUCTION	INTRINSIC EVIDENCE	CONSTRUCTION	INTRINSIC EVIDENCE
				of one or two carbon atoms.	August 6, 1980; Office Action dated October 12, 1990; Application Ser. No. 07/641,317: Preliminary Amendment dated Jan. 14, 1991; Office Action dated March 20, 1991; Amendment and Response dated September 23, 1981; Office Action dated December 9, 1991; Application Ser. No. 07/839,725: Preliminary Amendment and Response dated Feb. 19, 1992; Examiner Interview Summary dated March 30, 1992; Notice of Allowability dated March 30, 1992.